

By: *Lee*

H.B. No. 2620

A BILL TO BE ENTITLED

AN ACT

relating to the civil liability of certain chiropractors and others who participate in peer review.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 201, Occupations Code, is amended by adding Section 201.256 to read as follows:

Sec. 201.256. IMMUNITY FROM CIVIL LIABILITY. (a) The following are immune from civil liability:

(1) a person who, in good faith, reports or furnishes information to a peer review committee or the board;

(2) a member, employee, or agent of the board or of a peer review committee who takes an action or makes a recommendation within the scope of the functions of the board or committee, if that member, employee, or agent acts without malice and in the reasonable belief that the action or recommendation is warranted by the facts known to that person;

(3) a member or employee of the board or any person who assists the board in carrying out its duties or functions provided by law; and

(4) a chiropractor who participates in the peer review of another chiropractor, if the chiropractor who participates in the peer review acts without malice and in the reasonable belief that the chiropractor's actions or recommendations are warranted by the facts known to that chiropractor.

1 (b) A cause of action does not accrue against a member,
2 agent, or employee of a peer review committee or against a health
3 care entity from any act, statement, determination, or
4 recommendation made, or act reported, without malice, in the course
5 of peer review.

6 (c) A person, peer review committee, or health care entity
7 that, without malice, participates in peer review or furnishes
8 records, information, or assistance to a peer review committee or
9 to the board is immune from any civil liability arising from that
10 act.

11 (d) A person or health care entity required under law to
12 report to the board may not be found liable in a civil action for
13 failure to report to the board unless the failure was committed
14 knowingly or wilfully, except that the appropriate state licensing
15 body may take action against a licensed person or entity for not
16 reporting as required.

17 SECTION 2. This Act takes effect September 1, 2003.

18 SECTION 3. The change in law made by this Act applies only
19 to the actions or recommendations of a person participating in a
20 peer review on or after the effective date of this Act. The actions
21 or recommendations of a person participating in a peer review
22 before the effective date of this Act are governed by the law in
23 effect on the date the peer review occurred, and the former law is
24 continued in effect for that purpose.

78TH LEGISLATURE**COAUTHOR AUTHORIZATION**

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number:

HB 2620Ellis
signature of primary authorEllis
printed name of primary author3/13/03
DatePERMISSION TO SIGN HB 2620 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)☒ ALL REPRESENTATIVES☐ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2115 Allen	Date	A2450 Cook, Byron	Date	A2795 Farabee	Date
A2125 Alonzo	Date	A2565 Cook, Robert "Robby"	Date	A2810 Farrar	Date
A2160 Bailey	Date	A2595 Corte	Date	A2840 Flores	Date
A2170 Baxter	Date	A2605 Crabb	Date	A2850 Flynn	Date
A2205 Berman	Date	A2610 Craddick	Date	A2920 Gallego	Date
A2230 Bohac	Date	A2640 Crownover	Date	A2925 Garza	Date
A2250 Bonnen	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2280 Branch	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2265 Brown, Betty	Date	A2635 Dawson	Date	A2935 Giddings	Date
A2270 Brown, Fred	Date	A2680 Delisi	Date	A2985 Goodman	Date
A2255 Burnam	Date	A3385 Denny	Date	A2990 Goolsby	Date
A2295 Callegari	Date	A2690 Deshotel	Date	A3010 Griggs	Date
A2290 Campbell	Date	A2705 Driver	Date	A3020 Grusendorf	Date
A2350 Canales	Date	A2665 Dukes	Date	A3045 Guillen	Date
A2300 Capelo	Date	A2660 Dunnam	Date	A3030 Gutierrez	Date
A2490 Casteel	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2495 Castro	Date	A2770 Edwards	Date	A3050 Hamilton	Date
A2585 Chavez	Date	A2775 Eiland	Date	A2695 Hamric	Date
A2480 Chisum	Date	A2780 Eissler	Date	A3160 Hardcastle	Date
A2525 Christian	Date	A2785 Elkins	Date	A3165 Harper-Brown	Date
A2435 Coleman	Date	A2790 Ellis	Date	A3170 Hartnett	Date

A3180 Heflin	Date	A3715 Madden	Date	A4220 Riddle	Date
A3190 Hegar	Date	A3750 Marchant	Date	A4250 Ritter	Date
A3250 Hilderbran	Date	A2835 Martinez Fischer	Date	A4270 Rodriguez	Date
A3275 Hill	Date	A3665 McCall	Date	A4350 Rose	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4420 Seaman	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3830 Menendez	Date	A4540 Smith, Wayne	Date
A3320 Hope	Date	A3815 Mercer	Date	A4530 Smithce	Date
A3330 Hopson	Date	A3840 Merritt	Date	A4550 Solis	Date
A3315 Howard	Date	A3835 Miller	Date	A4505 Solomons	Date
A3340 Hughes	Date	A3855 Moreno, Joe	Date	A4560 Stick	Date
A3355 Hunter	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3360 Hupp	Date	A3870 Morrison	Date	A4585 Talton	Date
A3375 Isett	Date	A3865 Mowery	Date	A4600 Taylor	Date
A3405 Jones, Delwin	Date	A3885 Naishtat	Date	A4605 Telford	Date
A3420 Jones, Elizabeth	Date	A3895 Nixon	Date	A4630 Thompson	Date
A3400 Jones, Jesse	Date	A3900 Noriega	Date	A4650 Truitt	Date
A3475 Keel	Date	A3880 Oliveira	Date	A4685 Turner	Date
A3410 Keffer, Bill	Date	A3886 Olivo	Date	A4695 Uresti	Date
A3480 Keffer, Jim	Date	A4100 Paxton	Date	A4700 Van Arsdale	Date
A3470 King	Date	A4140 Pena	Date	A4800 Villarreal	Date
A3495 Kolkhorst	Date	A4160 Phillips	Date	A4995 West	Date
A3485 Krusee	Date	A4180 Pickett	Date	A5000 Wilson	Date
A3450 Kuempel	Date	A4185 Pitts	Date	A5020 Wise	Date
A3510 Laney	Date	A4200 Puente	Date	A5015 Wohlgemuth	Date
A3540 Laubenberg	Date	A4230 Quintanilla	Date	A4980 Wolens	Date
A3605 Lewis	Date	A4240 Rangel	Date	A4985 Wong	Date
A3620 Luna	Date	A4215 Raymond	Date	A5005 Woolley	Date
A3700 Mabry	Date	A4236 Reyna	Date	A5150 Zedler	Date

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MAR 13 2003

Filed with the Chief Clerk

MAR 24 2003Read first time and referred to Committee on Civil PracticesReported favorably (as amended)
(as substituted)Sent to Committee on (Calendars)
(Local & Consent Calendars)Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not votingRead third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House_____
Read and referred to Committee on __________
Reported favorably __________
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time_____
Ordered not printed_____
Laid before the Senate_____
Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)_____
Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)_____
Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays_____
Read third time, _____, and passed by (a viva voce vote)
(yeas, nays)_____
Returned to the House_____
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)